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FM SECSTATE WASHDC

INFO AMEMBASSY LIMA

UNCLAS STATE 108220

FOLLOWING REPEAT LA PAZ 2249 SENT SECSTATE APRIL 19:

QUOTE

UNCLAS LA PAZ 2249

STATE FOR INM AND ARA

E.O. 12065: N/A

TAGS: SNAR, BL

SUBJECT: COLLOQUIUM ON BOLIVIAN NARCOTICS LAW, APRIL 5-6

1. THE NATIONAL COUNCIL FOR FIGHT AGAINST NARCOTICS TRAFFICKING (NARCOTICS COUNCIL) HAS PASSED US A PRELIMINARY DRAFT OF THE CONCLUSIONS OF THE COLLOQUIUM ON THE BOLIVIAN NARCOTICS LAW HELD IN LA PAZ, APRIL 5-6, 1982. THE FOLLOWING IS THE TEXT OF THE MODIFICATIONS IN THE LAW APPROVED FOR THE TITLE ON COCA (TITLE III), INFORMALLY TRANSLATED INTO ENGLISH.

2. TITLE III - THE REGIME FOR COCA

-ART 18.- (COCA LEGAL PRODUCERS).- THE WORD "LEGALLY" OF THE SEVENTH LINE, IS HEREBY DELETED. APPROVED REWRITING IS THE FOLLOWING:

"ARTICLE 18.- (COCA LEGAL PRODUCERS).- COCA LEAF PRODUCERS IN THE DEPARTMENTS OF LA PAZ AND COCHABAMBA WHO ARE REGISTERED BY THE CENSUS REGISTRARS OF THE SECOND CENSUS, AS WELL AS THE ONES WHO HAVE NOT BEEN REGISTERED BUT VOLUNTARILY WANTED TO DO SO IN THE COLLECTION CENTERS AND SUB-CENTERS WITHIN 90 DAYS FOLLOWING THE CENSUS, WILL BE THE ONLY PRODUCERS AUTHORIZED TO PLANT, GORW, HARVEST AND GATHER COCA LEAVES".

"ARTICLE 19.- (COCA LEAF CULTIVATIONS OUTSIDE OF LA PAZ AND COCHABAMBA DEPARTMENTS).

THE WORDS "OUTSIDE OF LA PAZ AND COCHABAMBA D
EPARTMENS" AND "OF
LA PAZ AND COCHABAMBA" OF THE TITLE OF THE ARTICLE AND OF THE FOURTH LINE, RESPECTIVELY, ARE HEREBY DELETED. APPROVED REWRITING IS AS FOLLOWS:

"ARTILCE 19.- (ILLEGAL COCA LEAF CULTIVATIONS)

EXISTING COCA PLANTATIONS IN ALL DEPARTMENTS, WITH THE EXCEPTION OF THE ONES MENTIONED IN THE FIRST PARAGRAPH OF IMMEDIATE ABOVE ARTICLE, AND WHICH ARE TRADITIONAL PRODUCTIVE AREAS, ARE HEREBY DECLARED CLANDESTINE AND ILLEGAL. THEREFORE, THE NATIONAL COUNCIL FOR FIGHT AGAINST NARCOTICS TRAFFICKING WILL PROCEED WITH THE SYSTEMATIC DESTRUCTION OF SAID COCA PLANTATIONS. THERE WILL BE NO IDEMNITY PAID IN THE CASE THE OWNERS THEMSELVES DO NOT DESTROY THESE PLANTATIONS WITHIN THE FOLLOWING 90 DAYS. UNTIL THE ABOVE MENTIONED DESTRUCTION IS EFFECTED, HARVESTING AND GATHERING OF THESE CLANDESTINE AND ILLEGAL COCA PLANTATION IS HEREBY PROHIBITED.

-ARTICLE 21.- (CROP REPLACEMENT POLICY).- THE WORDS "PROVIDE" AND "BALANCED" OF SENTENCE B), FOURTH LINE, ARE HEREBY REPLACED.

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APPROVED REWRITING IS THE FOLLOWING:

"B).- THE INTRODUCTION OF NEW TECHNOLOGIES, WHICH, ACCORDING TO THE QUALITY OF THE SOILS OF EACH MICRO-ZONE, WILL ALLOW THE ESTABLISHMENTOF IMPROVED VARIETIES OR NEW TECHNIQUES TOWARDS BETTER INCOMES FOR THE FARMERS FROM OTHER ANNUAL OR PERENNIAL CROPS."

-ART. 23.- (REDUCTION OF CULTIVATED AREAS).- THE WORD "ANNUALLY" OF THER FIFTH LINE IS HEREBY DELETED; AND THE WORDS "IN A COMPULSIVE WAY" OF THE EIGHT AND NINTH LINE ARE HEREBY DELETED. THE LAST PART OF THE ELEVENTH LINE AFTER THE COMA, AND STRAIGHT THROUGH SEVENTEENTH LINE, IS HEREBY DELETED. APPROVED REWRITING IS AS FOLLOWING:

"ART 23.- (REDUCTION OF CULTIVATED AREAS).- THE NATIONAL COUNCIL FOR FIGHT AGAINST NARCOTICS TRAFFICKING, THROUGH ITS NATIONAL DIRECTORATES FOR CROP REDUCTION AND DIVERSIFICATION, AND CONTROL OF PRODUCTION AND MARKETING OF COCA LEAF, AND IN COORDINATION WITH PRODES, WILL PERIODICALLY PROGRAM THE REDUCTION OF THE AREA OF COCA CULTIVATED IN THE TRADITIONAL AREAS OF LA PAZ AND COCHABAMBA, AIMING TOWARDS, IN THE MEDIUM TERM, THE BALANCE OF SUPPLY AND DEMAND FOR TRADITIONAL MASTICATION AND MEDICAL AND PHARMACOLOGICAL PURPOSES. REDUCTION WILL BE PERFORMED THROUGH THE DIRECTORATE FOR COCA CONTROL AND COMMERCIALIZATION, AN AGENCY OF THE NATIONAL COUNCIL FOR FIGHT AGAINST NARCTICS TRAFFICKING AND IN COORDINATION WITH THE PROGRAMS OF THE PROJECT FOR DEVELOPMENT, CHAPARE-YUNGAS (PRODES)."

-ART. 33 - (EXPORT) INCLUSION OF AN ADDITION AT THE END OF THE ARTICLE RELATED TO COCA LEAF EXPORT WAS APPROVED. APPROVED REWRITING IS AS FOLLOWS:
"ALL EXPORTS PERFORMED BY THE NATIONAL COUNCIL FOR FIGHT AGAINST NARCOTICS TRAFFICKING AS WELL AS THE ONES MADE BY PRIVATE FIRMS ARE HEREBY LIBERATED FROM ALL TAXATION AND CUSTOMS DUTIES AS WELL AS NATIONAL, DEPARTMENTAL, MUNICIPAL AND UNIVERSITY TAX DUTIES. IN ANY CASE, ONE HUNDRED PERCENT OF THE FOREIGN EXCHANGE FROM EXPORTS SHOULD BE DELIVERED TO THE CENTRAL BANK OF BOLIVIA."

3. OTHER SECTIONS OF THE LAW WILL ALSO BE NOTIFIED. WE WILL TRANSMIT THE PROPOSED CHANGES IN OTHER SECTIONS AS SOON AS WE HAVE THEM TRANSLATED. OF PARTICULAR INTEREST, ART 39 WILL BE MODIFIED TO DISCRIMINATE BETWEEN POSSESSION BY USERS AND OTHERS, I.E. DEALERS. WE HAVE NOT YET RECEIVED THE EXACT PROPOSED LANGUAGE ON THIS SECTION. HOWEVER, THE MODIFICATION WILL CLOSE A LOOPHOLE IN THE CURRENT LAW THAT ALLOWS A TRAFFICKER TO GET OUT ON BAIL IF CHARGED ONLY WITH POSSESSION. ALSO, AN ARTICLE WILL BE ADDED TO INLCLUDE CONSPIRACY AS A CRIME. THIS WAS INADVERTENTLY LEFT OUT OF THE CURRENT LAW.

4. WE BELIEVE THE CHANGES TO TITLE III PROPOSED BY THE COLLOQUIUM SATISFY THE CONCERNS EXPRESSED BY ASST. SECY. DICARLO DURING HIS VISIT TO BOLIVIA IN MARCH. HOWEVER, IF THE DEPT. HAS ANY OTHER SUGGESTED MODIFICATION, PLEASE LET US KNOW ASAP.
CORR UNQUOTE. HAIG

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